

REMARKS

Applicant respectfully requests further examination and reconsideration in view of the arguments set forth fully below. Claims 1-12, 33, and 34 were previously pending in this application. Within the Office Action, claims 1-12, 33, and 34 are rejected. Accordingly, claims 1-12 and 33-34 are currently pending in this application.

I. Rejection under §§ 102(b).

In the Office Action, claims 1-12 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,093,237 to Weiss (hereinafter “Weiss”). The Applicant respectfully traverses this rejection.

The present invention is directed to a game board that is divided into an inner play area and an outer play area. The inner play area is divided into quadrants. The playing pieces include at least six different types. The first type is referred to as “Human Beings”, the second through fifth types are four different types of trees, and the sixth type is referred to as “forest spirits.” Each quadrant of the inner play area includes seven trees of the same type (either the second type, the third type, the fourth type, or the fifth type) and one forest spirit associated with the tree type in that quadrant. Each forest spirit is a different color and is associated with the tree type within its quadrant. In other words, a first quadrant of the inner play area includes a first type of tree (claimed as the second type of playing piece) and a first one of the forest spirits (a first one of the sixth type of playing piece), which is associated with the first type of tree (the second type of playing piece). A second quadrant of the inner play area includes a second type of tree (claimed as the third type of playing piece) and a second one of the forest spirits (a second one of the sixth type of playing piece), which is associated with the second type of tree (the third type of playing piece). Similar relationships exist for the third and fourth quadrants. In summary, each one of the sixth types of playing pieces (the forest spirits) are associated with one other type of playing piece (either the second type, the third type, the fourth type, or the fifth type).

Weiss teaches a modified chess game including a game board divided into four quadrants, each quadrant represented by a unique color. The modified chess game is played with four sets of 16 conventional chess pieces. Each set includes a king, a queen, two bishops, two knights, two rooks, and eight pawns. Each set of game pieces is a unique color which corresponds to one of the quadrant colors. As such, the first set of chess pieces, including a first queen, a first king, a first two bishops, a first two knights, a first two rooks, and a first eight pawns, are each of a first color, for example blue. Similarly, each of the second set of chess pieces is a second color, for example red, each of the third set of chess pieces is a third color, for example purple, and each of the fourth set of chess pieces is a fourth color, for example green.

Within the Office Action, the Examiner makes the following analogy: the kings (including the red king, the blue king, the purple king, and the green king) of Weiss are the same as the first type of game pieces of the claimed invention, the pawns are the same as the claimed second type of game pieces, the bishops are the same as the claimed third type of game pieces, the rooks are the same as the claimed fourth type of game pieces, the knights are the same as the claimed fifth type of game pieces, and the queens are the same as the claimed sixth type of game pieces. Although the Applicant does not agree with this analogy, for understanding, the following remarks are made in terms of the Examiner's analogy.

As described above, the present claims are directed to one of the sixth type of game pieces (queens) to be associated with the first type of game pieces (kings). In terms of the Examiner's analogy, this translates to one of the queens (sixth type of game piece) being associated with all of the kings (first type of game piece). Clearly, this is not the case. According to Weiss, each queen, for example the red queen, is associated with one set of chess pieces (the red set), where the one set includes at least one piece from each of the first type of game pieces (the red king), the second type of game pieces (the red pawns), the third type of game pieces (the red bishops), the fourth type of game pieces (the red rooks, and the fifth type of game pieces (the red knights). In other words, each queen (one of the sixth type of game pieces) is associated with select game pieces from each of the other types (the first type of game pieces through the fifth type of game pieces). This is not the same as the claimed limitations directed to

associating one of the sixth type of game pieces with the game pieces of one other type of game pieces.

In particular, the independent claim 1 is directed to a game board including a plurality of game pieces. The plurality of game pieces are divided into six types, each type including a plurality of game pieces. A first one of the sixth type of game pieces is designated by a first color and associated with the second type of game pieces. A second one of the sixth type of game pieces is designated by a second color and associated with the third type of game pieces, a third one of the sixth type of game pieces is designated by a third color and associated with the fourth type of game pieces, and a fourth one of the sixth type of game pieces is designated by a fourth color and associated with the fifth type of game pieces.

The independent claim 7 is directed to a game board and plurality of game pieces. The game board is configured as a grid comprising an inner play area and an outer play area. The plurality of game pieces are divided into the six types, each type including a plurality of game pieces. The first game pieces (the first type) are configured to be specifically aligned with each of the other first game pieces. Further, a first one of the sixth type of game pieces is associated with the second type of game pieces. A second one of the sixth type of game pieces is associated with the third type of game pieces, a third one of the sixth type of game pieces is associated with the fourth type of game pieces, and a fourth one of the sixth type of game pieces is associated with the fifth type of game pieces.

As previously discussed, Weiss teaches that each game piece of the sixth type (queen) is associated with at least one other game piece from each of the first through fifth types. Weiss does not teach that each game piece of the sixth type is associated with one other type of either the second type, the third type, the fourth type, or the fifth type. For at least these reasons, the Applicant respectfully submits that Weiss does not anticipate claims 1 and 7. Since claims 2-6 are dependent upon claim 1 and claims 8-12 are dependent upon claim 7, Applicant respectfully submits that Weiss does not anticipate claims 2-6 and 8-12 for at least the reasons discussed above. In view of the foregoing, the Applicant respectfully requests reconsideration and withdrawal of the §102(b) rejection of claims 1-12.

II. Rejection under §§ 103(a)


In the Office Action, claims 33 and 34 are rejected as being unpatentable over Weiss. Claim 33 is dependent on the independent claim 1. Claim 34 is dependent on the independent claim 7. As discussed above, the independent claims 1 and 7 are allowable over Weiss. As such, each of the dependent claims 33 and 34 are also allowable as being dependent upon an allowable base claim.

CONCLUSION

In view of the foregoing, the Applicant respectfully submits that all claims, namely claims 1-12 and 33-34, are in condition for allowance. Reconsideration of the rejections is requested. Allowance is earnestly solicited at the earliest possible date. The Examiner is encouraged to call the undersigned at (408) 530-9700, with questions or comments so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 8.25.06

By: 

Thomas B. Haverstock

Reg. No.: 32,571

Attorneys for Applicant

CERTIFICATE OF MAILING (37 CFR § 1.8(a))
I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP

Date: 8/25/06 By: 